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PART-III

GOVERNMENT OF MEGHALAYA POLITICAL DEPARTMENT

NOTIFICATION

The 9th June, 2020.

No.POL. 116/2012/Pt.I/197.-The following Notification No. S.O. 1684 (E), dated 29th May, 2020 issued by the Ministry of Home Affairs, Government of India in the matter of the Hynniewtre National Liberation Council (HNLC) of Meghalaya is hereby republished for general information.

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 29th May, 2020.

S.O.1684 (E). - In terms of Section 4 (4) of the Unlawful Activities (Prevention) Act, 1967, the order of the Tribunal presided over by Hon'ble Justice Mr. H. S. Thangkhiew, Judge, Meghalaya High Court, to whom a reference was made under Section 4(1) of the Unlawful Activities (Prevention) Act, 1967 for adjudicating whether or not there is sufficient cause for declaring the Hynniewtre National Liberation Council (HNLC) of Meghalaya as Unlawful Association, is published for general information:

[F.No.11011/02/2019-NE-V(Pt.)]

SATYENDRA GARG, Jt. Secy.

UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL
SHILLONG

IN THE MATTER OF : HYNNEWWTREP NATIONAL LIBERATION COUNCIL OF MEGHALAYA

Reserved on: 08.05.2020

Date of decision: 14.05.2020

Present: Shri S. C. Keyal, Asst. Solicitor General of India with Shri R. K. Pandey, Deputy Secretary and Shri Santosh Kumar Bhargava, Section Officer (NE), Ministry of Home Affairs, Government of India (*via video conferencing*).

Shri Amit Kumar, Advocate General for the State of Meghalaya with Shri Cyril Diengdoh, IAS, Secretary (Political Department), Shri S. Warjri, MCS, Under Secretary (Political Department), Shri H. Nongpluh, IPS, Addl. DGP (SB/CID), Govt. of Meghalaya (*via video conferencing*).

Shri Albert W. Lanong, MJS, Registrar, Unlawful Activities (Prevention) Tribunal.

ORDER

Per H. S. Thanskhiew, (J):

1. *Vide* notification no. S.O. 4132 (E) dated 16th November, 2019 made u/s 3(1) of the Unlawful Activities (Prevention) Act, 1967 (for short 'the Act'), the Central Government has declared Hynniewtrep National Liberation Council of Meghalaya (for short 'HNLC') as an 'Unlawful Association' with effect from 16th November, 2019, *inter-alia*, on the grounds that HNLC has (i) openly declared its objective for secession of areas in the State of Meghalaya largely inhabited by Khasi and Jaintia Tribals from India; (ii) continued intimidation and bullying of the civilian population for extortion of funds for their organization; (iii) maintained links with other insurgent groups of the North Eastern region for carrying out acts of extortion and intimidation; and (iv) maintained camps in Bangladesh for the purpose of sanctuary and training of their cadres.
2. Thereafter, another notification no. S.O. 797 (E) dated 21st February, 2020 was issued in the Gazette of India (Extraordinary) constituting the Tribunal for adjudicating whether or not there is sufficient cause for declaring HNLC as an unlawful association under the Act. It may not be out of place to mention, herein, that prior to said notification, an earlier notification no. S.O. 4454 (E) dated 13th December, 2019 was issued in the Gazette of India (Extraordinary) constituting the Tribunal for the same purposes; however, in view of the then learned Presiding Officer expressing desire to resign from the Tribunal, instant notification dated 21st February, 2020 was, thereafter, issued. Now, a reference, in this regard, in terms of section 4(1) of the Act, was received by this Tribunal *vide* letter dated 26th February, 2020.
3. Along with the notification, the Central Government has furnished a background note on HNLC stating, therein, the aims and objectives of HNLC; giving its 'violence profile' as also its links with underground outfits of the North Eastern region. As per the note, HNLC was formed in 1995 with the aim:
 - a. of liberation of the Hynniewtrep people (Khasi and Jaintia Tribals) from the alleged authoritarian rule of the Indian Government;
 - b. to protect the Khasis and other Meghalaya Tribes from exploitation; and
 - c. to retain the indigenous culture and to eradicate social evils.

4. The violence profile of HNLC, as detailed in the aforesaid note, reads as under:
 - a. 4 (four) incidents of violence involving killing of 1 (one) civilian during the period between 1st January, 2019 and 31st July, 2019;
 - b. arrest of 16 (sixteen) of its cadres during the said period;
 - c. recovery of 4 (four) weapons during the said period;
 - d. surrender of 14 (fourteen) of its cadres during the said period; and
 - e. 4 (four) persons have been kidnapped during the said period.
5. It has been, further, stated that HNLC had been extorting money from the coal belt areas of the Jaintia hills which was also being used as a transit route by the HNLC cadres for their trans-border movements across Bangladesh. The leaders of the HNLC, Bobby Marwein, self-styled Commander-in-Chief and Sainkupar Nongtraw, self-styled General Secretary, continue to operate from Bangladesh. The HNLC is estimated to have around 16 (sixteen) cadres who are presently staying in camps in Maulvi Bazar district of Bangladesh. The HNLC is assessed to have 17 (seventeen) weapons (AK series rifles-10, pistols-7) and continues to maintain operational and training links with other insurgent groups of North East.
6. On the aforementioned grounds, the Central Government formed the opinion that the activities of HNLC were detrimental to the sovereignty and integrity of India, and if not curbed and controlled immediately, the said organization will regroup and rearm itself, expand its cadre, procure sophisticated weapons, cause loss of lives of civilians and security forces, and accelerate the anti-national activities.
7. Preliminary hearing was held on 26th March, 2020, notice under sub-section (2) of section 4 of the Act was issued to HNLC to show-cause as to why it should not be declared an unlawful association. Notice was directed to be served on HNLC in the following manner:
 - a. By affixing a copy of the notification in some conspicuous part of the office(s), if any, of the Association;
 - b. By serving a copy of the notification, wherever possible, on the principal office-bearers, if any, of the Association;
 - c. By proclaiming by beat of drums or by means of loudspeakers, the contents of the notification in the area in which the activities of the Association are ordinarily carried on;
 - d. By making an announcement over the radio from the local or nearest broadcasting station of the All India Radio;
 - e. By pasting the notification on the notice board of the office of the District & Sessions Judge(s) in every Judgeship and Deputy Commissioners at the respective headquarters; and
 - f. By publication in a national newspaper in English and in 2 (two) vernacular newspapers having wide circulation in the State of Meghalaya.
8. Affidavits of service were filed by the Central Government and State of Meghalaya categorically stating, therein, the mode and manner in which HNLC was served. It was stated in the affidavit that the HNLC are in hiding and they do not have any fixed place/office from where they are running/ operating their organisation/outfit. Notices were served by publication in the newspapers viz. The Indian Express, Mawphor and U Nongsain Hima which are circulated in the State of Meghalaya, as also by broadcasting

through the Shillong Station of All India Radio, and telecast through the Doordarshan Kendra, Shillong. The notices are also stated to have been displayed on the notice boards of the Courts of the District and Sessions Judges and Deputy Commissioners' offices in the Districts of the State of Meghalaya. The reports received from the concerned District and Sessions Judges and Deputy Commissioners have been filed along with the affidavit of service of the Central Government and State of Meghalaya.

9. Despite service, no one appeared for the HNLC, therefore, it was proceeded *ex parte* on 25th April, 2020.
10. The State of Meghalaya adduced the evidence of the following witnesses by way of affidavit :
 - a. SW-1: Shri Cyril V. D. Diengdoh, IAS, Secretary (Political Department), Govt. of Meghalaya;
 - b. SW-2: Shri Aditya Goenka, IPS, Superintendent of Police, CID, Shillong;
 - c. SW-3: Smti. Matsiewdor War Nongbri, IAS, Deputy Commissioner, East Khasi Hills District, Shillong;
 - d. SW-4: Smti. C. A. Lyngwa, IPS, Superintendent of Police, East Khasi Hills District, Shillong;
 - e. SW-5: Smti. Rosetta Mary Kurbah, IAS, Ri-Bhoi District, Nongpoh;
 - f. SW-6: Shri C. Syrti, MPS, Superintendent of Police, Ri-Bhoi District, Nongpoh;
 - g. SW-7: Shri T. Lyngwa, IAS, Deputy Commissioner, West Khasi Hills District, Nongstoin;
 - h. SW-8: Shri B. J. Laloo, MPS, Superintendent of Police, West Khasi Hills District, Nongstoin;
 - i. SW-9: Shri Garod L.S.N. Dykes, IAS, Deputy Commissioner, West Jaintia Hills District, Jowai;
 - j. SW-10: Shri Lakador Syiem, MPS, Superintendent of Police, West Jaintia Hills District, Jowai;
 - k. SW-11: Shri Fedrick M. Doph, IAS, Deputy Commissioner, East Jaintia Hills District, Khliehriat; and
 - l. SW-12: Shri Vivekanand Singh, IPS, Superintendent of Police, East Jaintia Hills District, Khliehriat.
11. The Central Government has, similarly, adduced the evidence of CW-1. Shri Raj Kumar Pandey, Deputy Secretary (NE), Ministry of Home Affairs, Government of India, North Block, New Delhi, by way of affidavit.
12. Evidence of the above noted witnesses, by way of affidavit, have remained unchallenged as no one came forward on behalf of HNLC to cross-examine the witnesses.
13. In order to limit lengthy and duplicity of evidence on record, dilation on all the factual aspects, including material exhibits, as adduced by the relevant witnesses, is not deemed necessary in the circumstances and, therefore, only an outline of the relevant evidence is, hereinafter, discussed.
14. **SW-1**, Shri Cyril V. Diengdoh, IAS, has deposed that HNLC has carried out several violent attacks on government officials, security forces, members of civil society and general public during the period from 16.11.2015 and till date. He deposed that HNLC has continued its extortion activities to financially sustain the organisation and had carried out several other illegal activities during that period. He, further, deposed that it has been continuously inciting violence, fanned secessionist propaganda, communal disharmony and enmity amongst general public. In this connection, **SW-1** has, altogether, produced and placed reliance on 68 (sixty eight) material exhibits under the following categories: (i) Facebook posts; (ii) Newspaper clippings; and (iii) Complaints/ FIRs registered against HNLC and its cadre as under.

- 14.1. In order to make the following electronic evidence admissible, **SW-1** has annexed a certificate u/s 65B of the Indian Evidence Act, 1872 and the same has been taken on record.
- 14.1.1. In one Facebook post dated 28th June, 2015 (**Ext. II**) made by one Shri Watbor Nongrum @ Sainkupar Nongtraw, the self-styled General Secretary and Publicity Secretary of HNLC, the HNLC has made open contempt of the orders passed by the Hon'ble High Court of Meghalaya banning publication of calls of bandh, etc. calling it a ploy of the police in an attempt to suppress people's right to freedom of speech and expression;
- 14.1.2. **Ext. 13** is another Facebook post dated 11th August, 2015 wherein the HNLC openly acknowledged its association and common agenda with other armed militant organisations viz. United National Liberation Front of Western South East Asia, Coordination Committee and Garo National Liberation Army and issued solidarity statement alongwith these terrorist organisations and threatened the general public not to celebrate any national festival and show solidarity with the militant organisation in their fight against India which was referred as their 'common enemy';
- 14.1.3. **Ext. 16**, **Ext. 17** and **Ext. 18** are Facebook posts dated 18th November, 2015 wherein the HNLC informed that its general secretary is not in Bangladesh, that it was putting out information about its recruitment drive and, lastly, took responsibility for the RDX bomb blast attack at Them Mawbah on 14th November, 2015, respectively; and
- 14.1.4. In another Facebook post dated 16.05.2016 (**Ext. 23**), HNLC issued an open threat to officials of the Hon'ble High Court of Meghalaya, State Government and police personnel.
- 14.2. That apart, **SW-1** has also exhibited certain press releases made by the HNLC as follows.
- 14.2.1. It has been calling for bandhs and non-cooperation on every national day celebrations i.e., on Republic day and Independence day and such unlawful activities of HNLC were evident from the newspaper clippings exhibited as **Ext. 39** (colly);
- 14.2.2. In various newspaper clipping between the period 19th November, 2015 and 5th March, 2016 (**Ext. 41** (colly)), the HNLC had been engaging itself in all kinds of unlawful activities such as extortion and looting of civilian population, collection of funds;
- 14.2.3. **Ext. 45** is a newspaper clipping dated 14th February, 2018 containing a news item wherein HNLC conducted blast by grenade attack at Dawki; and
- 14.2.4. In newspaper clippings between the period 18th May, 2019 and 15th August, 2019 (**Ext. 47** (colly)), HNLC had threatened all non-Tribals of Meghalaya to leave the State or face massacre and mass blood-shed.
- 14.3. Furthermore, **SW-1** has also exhibited FIRs, case-diaries and chargesheet detailing out the activities made by HNLC as follows.
- 14.3.1. Copy of case diary dated 8th July, 2016 maintained by the investigating officer in connection with Mawlai PS Case No. 51 (5) 2015 u/s 384/34 Indian Penal Code ("IPC") r/w section 10/13 Unlawful Activities (Prevention) Act, 1967 ("UA (P) Act") (**Ext. 54**) has been annexed with the affidavit. The said FIR was registered at Mawlai Police Station wherein an HNLC cadre alongwith an over ground worker who were sent for money collection drives were arrested;
- 14.3.2. **Ext. 55** is a copy of FIR in Nongpoh PS Case No. 128(5)2014 u/s 120B/ 121 A/384 IPC r/w section 5 of the Explosive Substances Act, 1908 ("ES Act") and section 6 (A) of the Meghalaya Maintenance of

- Public Order Act("MMPO Act"). Said FIR has a reference to 2 (two) HNLC cadres being arrested from Ri-Bhoi District registered and arms, demand notes and gun powder were recovered from them; and
- 14.3.3. 2 (two) HNLC cadres were arrested from War Jaintia in connection with Amlarem PS Case No. 4 (2) 2016 u/s 385 IPC r/w section 10/ 13 UA (P) Act and chargesheet no.12/ 2016 dated 8th November, 2016 was filed (**Ext. 59**).
15. **SW-2**, Shri Aditya Goenka, IPS, has deposed that HNLC has been involved in anti-national activities since its inception and has detailed some of their illegal activities. He, further, deposed that the HNLC's activities causes a serious threat to the sovereignty, integrity and internal security of India.
- 15.1. **Ext. SW-2/1** is a copy of written *ejahar* dated 3rd March, 2020 received by the Officer-in-charge of CID PS wherein a case u/s 153A/ 188/ 505 (2)/ 120B IPC r/w section 13 UA (P) Act was registered against one online news website 'The North East Now' for uploading a news bulletin wherein Shri Sainkupar Nongtraw, the self-styled General Secretary and Publicity Secretary of HNLC, had issued an ultimatum to the Hindu-Bengali community to leave Ichamati; and
- 15.2. Another written *ejahar* dated 15th June, 2018 was received at CID PS wherein a case u/s 153/ 153A/ 505/ 506/ 507 IPC was registered to the effect that on 2nd June, 2018 Shri Sainkupar Nongtraw, the self-styled general Secretary and Publicity Secretary of HNLC, had posted on Facebook regarding the assault of young local boys by the Harijans and subsequent imposition of section 144 CrPC in the city of Shillong (**Ext. SW-2/ 2**).
16. **SW-3**, Smti. Matsiewdor War Nongbri, IAS, has deposed that despite the last order declaring HNLC as an unlawful association in the year 2014, their illegal and nefarious activities have continued unabated. She deposed that HNLC has been engaging in raising of funds by issuing of demand notes to the business community etc. in Shillong.
17. Deposition of **SW-4**, Smti. C.A. Lyngwa, IPS, is in line with the statement of **SW-2**. She has, further, proved several documents and some relevant documents are reproduced hereunder for reference.
- 17.1. **Ext. SW-4/1** is a copy of FIR no. 51 (5) 2015 u/s 384/34 IPC r/w section 10/ 13 UA (P) Act wherein 2 (two) members of HNLC viz. Shri John Fishal Lyngkhoi and Shri Reskin Phawa were arrested while they were on an extortion drive in the city;
- 17.2. **Ext. SW-4/2** is a copy of FIR no. 113 (11) 2015 u/s 427/ 120B/ 121 IPC r/w section 5 ES Act and section 10/13 UA (P) Act wherein members of the HNLC planted and exploded a crude bomb in the backyard of cantonment parking lot near Jeevan Roy Goenka Hospital, Jhalupara, Shillong as a result of which vehicles bearing registration nos. ML05-K-5167 and ML02-0025 were partially damaged; and
- 17.3. Another case is wherein on 13th May, 2016, on receiving a tip off, several arms and ammunitions, including detonators, live ammunitions, pistol and AK-56 rifle, were recovered from 3 (three) persons including 1 (one) belonging to ULFA cadre and 2 (two) others of HNLC. In this connection, **Ext. SW-4/ 3** is a copy of FIR No. 12 (05) 2016 u/s 120B/ 121 IPC r/w section 25 (1-b)/ 27 Arms Act r/w 10/13 UA (P) Act.
18. **SW-5**, Smti. Rosetta Mary Kurbah, IAS, has deposed that the HNLC have not fully surrendered to the Government and are continuing to re-group and recruiting local youths. She deposed, based on her information, that a demand note of ₹ 2,00,000/- (Rupees two lakhs only) was served by the HNLC to Dr. Celestine Lyngdoh, ex-MLA, on 9th May, 2015 and a criminal case u/s 384/511 IPC was registered. She, further, deposed that 2 (two) HNLC cadres were arrested and several arms and ammunitions were recovered from them in connection with Nongpoh case no. 128 (5) 2015 u/s 120B/

121A/ 384 IPC r/w section 10/ 13 UA (P) Act and section 25 (1 A)/ (1 B)(a) Arms Act and section 6A of MMPO Act.

19. **SW-6**, Shri C. Syrti, MPS, has deposed along the lines of **SW-5** and has exhibited the following documents.
 - 19.1. **Ext. SW-6/1** is a copy of case diary maintained by the investigating officer into one criminal case u/s 384/511 IPC wherein on 09.05.2015 Dr. Celestine Lyngdoh, ex-MLA, received a demand note of ₹ 2,00,000/- (Rupees Two Lakhs only) from the HNLC; and
 - 19.2. **Ext. SW-6/2** is a copy of FIR no. 128 (5) 2015 u/s 120B/121 A/384 IPC r/w section 10/ 13 UA (P) Act and section 25 (1A)/ (1B)(a) Arms Act, section 5 ES Act and section 6A of MMPO Act wherein 2 (two) HNLC cadres viz. Shri Khrawbok Marbaniang and Shri Beinis Thabah were arrested and several arms and ammunitions (1 (one) bore gun, 12 (twelve) bore ammunitions, gun powder, 1 (one) HNLC demand note and pellets) were recovered from them.
20. **SW-7**, Shri T. Lyngwa, IAS, deposed that the HNLC cadres are still engaged in procuring illegal arms and ammunition of sizeable quantity and in collection of funds by illegal means.
21. **SW-8**, Shri B. J. Laloo, MPS, has exhibited certain documents enumerating the anti-national and illegal activities carried out by HNLC as follows.
 - 21.1. **Ext. SW-8/1** is a copy of FIR no. 01 (01)/18u/s 120B/ 121A I PC r/w section 10/ 13 UA (P) Act wherein one Shri Samuel Wahlang Pahsyntiew of Laitdom Village, Mariang has been demanding money from businessmen of Mairang in the name of HNLC; and 21.2. **Ext. SW-8/ 2** is a copy of FIR no. 5 (02) 2020 u/s 447/ 435 IPC r/w section 3 ES Act wherein an IED exploded at the premise of the coke factory at Pyndeng Diengjalong, Shallang on 20th February, 2020.
22. **SW-9**, Shri Garod L.S.N. Dykes, IAS, deposed that though there had not been registration of cases because of various factors including reluctance on the part of the local people to come forward and complain primarily because of fear psychosis, yet it cannot be said that HNLC is not engaging itself in unlawful activities. He has further stated that HNLC was active in West Jaintia Hills district and was indulging in extortion, intimidation and kidnapping activities.
23. **SW-10**, Shri Lakador Syiem, MPS, has exhibited certain documents enumerating the anti-national and illegal activities, including demanding huge sums of money from the civilian population, carried out by HNLC as follows.
 - 23.1. **Ext. SW-10/1** is a copy of FIR no. 4 (2)/ 18 u/s 120B IPC r/w section 3 ES Act wherein on 11th February, 2018 the informant's house at Dawki was partially damaged due to an explosion caused by the HNLC; and
 - 23.2. **Ext. SW-10/ 2** is a copy of chargesheet no. 155/ 16 in connection with one case u/s 386/ 34 IPC wherein 2 (two) persons viz. Shri Solomon Rymbai and Shri Krephi Suchiang were caught red handed while extorting money at Dulong, Jowai from the informant.
24. **SW-11**, Shri Fedrick M. Doph, IAS, has deposed that HNLC had been actively operating its unlawful, nefarious and anti-social activities in East Jaintia Hills district in the State of Meghalaya. He deposed, based on his information, an HNLC cadre was arrested in connection with Khliehriat case no. 254 (6) 2015 u/s 387 IPC r/w section 10/ 13 UA (P) Act and section 5 ES Act. Also, he deposed that on 18th June, 2016 4 (four) boys, all aged about 17 (seventeen) years, were suspected to be kidnapped by the HNLC and, in this connection, case u/s 120B/121/361/34 IPC were registered. That apart, another

case u/s 120B/ 121/ 121 A/ 387/ 506/ 34 IPC r/w section 10/ 11/ 13 UA (P) Act was registered in connection with an incident where one Shri Self Denial Lyngdoh of Sutnga Wailong Village was served a demand note of Rs. 10,000,000/- (Rupees Ten Lakhs) by the HNLC.

25. **SW-12**, Shri Vivekanand Singh, IPS, has deposed along the lines of **SW-11** and has exhibited the following documents. He has, further, deposed that case u/s 120B/121/361/34 IPC was registered in connection with the kidnapping of 4 (four) boys, all aged about 17 (seventeen) years, "by the HNLC around June 2016; and
- 25.1. **Ext. SW-12/ 1** is a copy of chargesheet no. 254 (6) 2015 u/s 387 IPC r/w section 10/13 UA (P) Act and section 5 ES Act. wherein an HNLC cadre, Shri Junel Tongper, was apprehended and from his body 3 (three) SIM cards of Bangladesh and Indian make were recovered. **SW-12** further deposed that during the course of interrogation, the said HNLC cadre led them a jungle along the Indo-Bangla border wherefrom 2 (hand) grenades and demand notes were recovered; and
- 25.2. **Ext. SW-12/2** is a copy of FIR No. 191 (12) 2019 u/s 120B/ 121/ 121A/ 387/ 506/ 34 IPC r/w section 10/ 11/ 13 UA (P) Act wherein one Shri Self Denial Lyngdoh of Sutnga Wailong Village was served a demand note of Rs. 10,000,000/- (Rupees Ten Lakhs) by the HNLC.
26. **CW-1**, Shri Raj Kumar Pandey, Deputy Secretary, Ministry of Home Affairs, Government of India, has deposed that the top leaders of HNLC were operating from Bangladesh. He deposed that since January 2014, the outfit has been involved in 4 (four) incidents of violence. During this period, 16 (sixteen) cadres of HNLC have been arrested, 4 (four) weapons were recovered, 14 (fourteen) of its cadres have surrendered, 4 (four) persons have been kidnapped by it and 1 (one) civilian has been killed. He further deposed that HNLC and its activists were still continuing to indulge in unlawful activities for which the organization was banned earlier and that the activities of HNLC are detrimental to the peace and internal security of the country. There is an every likelihood of the HNLC seeking to expand the scope of its secessionist, subversive, terrorist and violent activities, in case the proposed ban by the Central Government is not affirmed for the period envisaged in the notification issued under the Act. He has proved the notification no. S.O. 4132 (E) dated 16th November, 2019 as **CW-I/B** apart from praying that same may be confirmed.
27. The witnesses examined on behalf of the Central Government and the State of Meghalaya have not been cross-examined as HNLC has remained *ex parte*. The evidence brought on record by the Central Government and the State of Meghalaya have, therefore, remained unrebutted and unchallenged.
28. I have heard learned Assistant Solicitor General for the Union of India, learned Advocate General for the State of Meghalaya, alongwith the officials, who have, unanimously, prayed that the notification dated 16.11.2019 issued by the Central Government under sub-section (1) of section 3 of the Act, banning HNLC for a period of 5 (five) years with effect from 16th November, 2019, be confirmed, and carefully perused the entire material placed and proved on record.
29. From the evidence adduced by the Central Government and State of Meghalaya, coupled with the materials placed, proved and produced before the Tribunal, it is established that HNLC is an organisation committed to achieve a separate or independent State for the Hynniewtrep people outside India and to that end it seeks to achieve the objective through acts of violence and unlawful activities.
30. The HNLC is undertaking clandestine trainings, raising funds through extortion and intimidation. It has been calling bandhs in utter contempt of the orders passed by the Hon'ble High Court of

Meghalaya and repeated calls were also given to the people not to attend national day celebrations. Leaders of HNLC are based in Bangladesh where they have set up base camps to train cadres and where they flee after committing acts of kidnapping, extortion and other acts of violence. The activities of HNLC are an open challenge to sovereign power of the State. It is involved in procuring of weapons, infringing the borders of the Union of India and keeping their contacts with other banned organisations and unlawful associations in and outside the territorial limits of India.

31. Section 2(o) of the Act defines 'unlawful activities' which reads as under:

"(o) "unlawful activity", in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs' or by visible representation or otherwise),— (i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the

secession of apart of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; or (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or (iii) which causes or is intended to cause disaffection against India,"

32. Section 2(p) of the Act defines 'unlawful association' which reads as under:

"(p) "unlawful association" means any association,— (i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or (ii) which has for its object any activity which is punishable under section 153A or section 153B of the Indian Penal Code (45 of 1860), or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity:

Provided that nothing contained in sub-clause (ii) shall apply to the State of Jammu and Kashmir;"

33. A perusal of section 2(o) of the Act makes it clear that the grounds mentioned therein are disjunctive since expression 'or' has been used at the end of every clause; meaning thereby, even if any of the grounds as stipulated in section 2(o) is attracted, it will attract the said provision. In **Re: Binoy Kumar Chattopadhyaya** reported in **AIR (37) 1950 Calcutta 444**, it has been held that the word 'disaffection' signifies political alienation or discontent, that is to say, a feeling of disloyalty to the existing Government, which tends to a disposition not to obey, but to resist and subvert the Government.

34. In **Synthetics and Chemicals Ltd. & Ors. vs. State of U.P. & Ors.** reported in **(1990) 1 SCC 109**, Hon'ble Supreme Court while explaining the importance of concept of 'sovereignty' has held thus:

"The sovereign power is plenary and inherent in every sovereign State to do all things which promote the health, peace, morals, education and good order of the people. This power of sovereignty is, however, subject to Constitutional limitations."

35. In **Union of India & Ors. vs. Sukumar Sengupta & Ors.** reported in **1990 (Supp) SCC 545**, Hon'ble Supreme Court has held as under:

"On the question of 'sovereignty', reliance was placed before us on 'A Concise Law Dictionary' by P.G. Osborn, 5th Edition, p. 297, where 'sovereignty' has been defined as "the supreme authority" in an independent political society. It is, essential, indivisible and illimitable. However, it is now considered and accepted as both divisible and limitable, and we must recognize that it should be so. Sovereignty is limited externally by the possibility of a general resistance. Internal sovereignty is paramount power over all action within, and is limited by the nature of the power itself".

36. The analysis of un rebutted evidence shows that the aims and objects and the activities of HNLC constitute 'unlawful activity', as defined in sub-section (o) of section 2 of the Act, and are intended to cause a threat to the sovereignty of the country by seeking secession of Meghalaya from the Union of India by carving out an independent state. The activities of the HNLC are, therefore, a direct threat to the sovereignty and integrity of India and it is imperative that the unlawful activities be banned in order to prevent HNLC from continuing its disruptive activities.
37. It may not be out of place to point out that it is not the first time this issue is under consideration before this Tribunal. It is happening since the year 2000. Earlier notification issued declaring HNLC a banned organisation have been successively upheld by the Tribunal constituted from time to time. The activities of HNLC are going on unabated since then.
38. In view of the above discussion, and after careful consideration of all the materials, evidence placed before it, and submissions on behalf of the Central Government and the State of Meghalaya, the Tribunal is of the opinion that the HNLC carries on unlawful activities which are detrimental to, and intending to disrupt the territorial integrity of India, inspite of its ostensibly declared objective of secession of the State of Meghalaya from the Indian Union. It has not abjured violence and continues to engage in acts that are subversive, and disruptive of, detrimental to, or acts with intention to disrupt the territorial integrity of India. It has been maintaining links with other insurgent groups of the North Eastern region for carrying out acts of extortion and intimidation. HNLC has also been maintaining camps in neighboring country for the purpose of sanctuary and training of their cadres, which is detrimental to the sovereignty and integrity of India. The activities of HNLC falls within the ambit and scope of 'unlawful activity' as defined in Section 2(o) of the Act. Resultantly, HNLC is an 'unlawful association' within the meaning of Section 2(p) of the Act.
39. Therefore, the Tribunal is of the opinion that it is an unlawful association, and the declaration, u/s 3 (1) of the Act, so far as it is concerned, has to be confirmed.
40. Thus, in view of the convincing evidence brought on record, I am of the considered view that sufficient cause exists for declaring the HNLC as an unlawful association and, accordingly, the notification dated 16th November, 2019 issued by the Central Government under sub-section (1) of section 3 of the Act banning HNLC for a period of 5 (five) years with effect from 16th November, 2019 is liable to be confirmed under sub-section (3) of section 4 of the Act, ordered accordingly.

JUSTICE H. S. THANGKHIEW,
PRESIDING OFFICER,
UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

C. V. D. DIENGDOH,
Secretary to the Govt. of Meghalaya,
Political Department.